

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RACHEL SKOLNICK, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

EVOLUTION AB (publ), et al.,

Defendants.

) Civ. Action No. 2:24-cv-00326-MRP

) CLASS ACTION

) DECLARATION OF DEBRA J. WYMAN IN
) SUPPORT OF LEAD PLAINTIFF'S
) OPPOSITION TO DEFENDANTS' MOTION
) TO DISMISS THE AMENDED
) COMPLAINT

I, DEBRA J. WYMAN, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California and have been admitted *pro hac vice* in the above-entitled action. I am a member of Robbins Geller Rudman & Dowd LLP, Lead Counsel for Lead Plaintiff St. Clair County Employees' Retirement System and City of Sterling Heights Police & Fire Retirement System. I make this declaration in support of Lead Plaintiff's Opposition to Defendants' Motion to Dismiss the Amended Complaint. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. **Personal Jurisdiction.** Attached as Exhibit 1 hereto is a true and correct copy of the Pennsylvania Gaming Control Board's (the "PGCB") August 5, 2020 Order approving Evolution Malta Limited's application for licensure in conjunction with Evolution New Jersey, LLC's interactive gaming manufacturer application. This document is publicly available from PGCB's website.

3. Attached as Exhibit 2 hereto is a true and correct copy of a screenshot of the PGCB's website, <https://pgcb.pa.gov/LicenseVerifications/>, captured on January 13, 2025, showing the PGCB approved Evolution US LLC for licensure as of August 5, 2020, and Evolution Malta Holding LTD as of July 8, 2020. This document is publicly available from PGCB's website.

4. Attached as Exhibit 3 hereto is a true and correct copy of a screenshot of the PGCB's website, <https://pgcb.pa.gov/LicenseVerifications/>, captured on January 13, 2025, showing the PGCB approved NetEnt Americas, LLC for licensure as of July 8, 2020. This document is publicly available from PGCB's website.

5. Attached as Exhibit 4 hereto is a true and correct copy of the PGCB's October 26, 2022 Answer and New Matter to the Joint Petition of Evolution Malta Holding Limited, Evolution US, LLC, and NetEnt Americas, LLC for Board Approval of an Internal Reorganization of an

Interactive Gaming Manufacturer Licensee. This document is publicly available from PGCB's website.

6. Attached as Exhibit 5 hereto is a true, correct and complete copy of Evolution's 2020 Annual Report.

7. Attached as Exhibit 6 hereto is a true, correct and complete copy of Evolution's 2021 Annual Report.

8. Attached as Exhibit 7 hereto is a true, correct and complete copy of Evolution's 2019 Annual Report.

9. Attached as Exhibit 8 hereto is a true and correct copy of three screenshots of the Pennsylvania Department of State's Business Search website, <https://file.dos.pa.gov/seach/business>, captured on January 7, 2025, and a Certificate of Registration for NetEnt. The screenshots show the business filings search results for Evolution US LLC, Evolution Malta Limited, and NetEnt Americas LLC.

10. Attached as Exhibit 9 hereto is a true, correct and complete copy of Evolution's 2018 Annual Report.

11. Attached as Exhibit 10 hereto is a true, correct and complete copy of Evolution's 2022 Annual Report.

12. Attached as Exhibit 11 hereto is a true and correct copy of Evolution Gaming Group AB's Securities and Exchange Commission ("SEC") Form F-6 dated August 22, 2016.

13. Attached as Exhibit 12 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Form F-6 dated May 8, 2018.

14. Attached as Exhibit 13 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Post-Effective Amendment No. 1 to the Form F-6 dated May 30, 2019 (for depositary The Bank of New York Mellon).

15. Attached as Exhibit 14 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Post-Effective Amendment No. 1 to the Form F-6 dated May 30, 2019 (for depositary Citibank, N.A.).

16. Attached as Exhibit 15 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Form F-6 dated November 12, 2020.

17. Attached as Exhibit 16 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Post-Effective Amendment No. 2 to the Form F-6 dated May 26, 2021.

18. Attached as Exhibit 17 hereto is a true and correct copy of Evolution AB's SEC Form F-6 dated May 27, 2021.

19. Attached as Exhibit 18 hereto is a true and correct copy of Evolution Gaming Group AB's SEC Post-Effective Amendment No. 1 to the Form F-6 dated July 12, 2021.

20. Attached as Exhibit 19 hereto is a true and correct copy of the April 21, 2008 comment letter Edwin Reyes, Managing Director of Deutsche Bank Trust Company Americas, wrote to Nancy M. Morris, Secretary of the SEC regarding, "Exemption from Registration Under Section 12(g) of the Securities Exchange Act of 1934 for Foreign Private Issuers (File No. S7-04-08)."

21. Attached as Exhibit 20 hereto is a true and correct copy of the July 30, 2018 article titled: "Ninth Circuit Holds That Non-U.S. Issuers Can Be Liable in U.S. for Unsponsored American Depositary Receipt Facility" published by Sullivan and Cromwell LLP.

22. **PGCB.** On October 28, 2024, Plaintiff's counsel emailed a letter to the PGCB pursuant to Pennsylvania's Right to Know Law, 65 §66.1 *et seq.* requesting documents relating to Evolution US LLC (the "PGCB October 28 Request"). Attached as Exhibit 21 is a true and correct copy of counsel's email and the attached PGCB October 28 Request.

23. On November 4, 2024, Plaintiff's counsel received a letter from Luana DeBernardis of the PGCB denying the PGCB October 28 Request (the "November 4 Response"). Attached as Exhibit 22 is a true and correct copy of the November 4 Response.

24. On November 18, 2024, Plaintiff's counsel again emailed the PGCB pursuant to Pennsylvania's Right to Know Law, 65 §66.1 *et seq.* (the "PGCB November 18 Request"). Attached as Exhibit 23 is a true and correct copy of that email and the attached PGCB November 18 Request. In the PGCB November 18 Request, Plaintiff's counsel attempted to modify the descriptions of the documents requested in the PGCB October 28 Request to address the concerns raised in the November 4 Response.

25. On November 25, 2024, Plaintiff's counsel received a letter from Ms. DeBernardis of the PGCB granting in part and denying in part the PGCB November 18 Request (the "November 25 Response"). Attached as Exhibit 24 is a true and correct copy of the November 25 Response. The only responsive document attached to the November 25 Response was the Consent Agreement and accompanying Board order entered on August 21, 2024, under PGCB Docket Number 13000-2024. That document was publicly available prior to the receipt of the November 25 Response.

26. On December 3, 2024, Plaintiff's counsel emailed Ms. DeBernardis to schedule a time to discuss the November 25 Response. Attached as Exhibit 25 is a true and correct copy of this email. On December 9, 2024, Plaintiff's counsel participated in a conference call with Ms. DeBernardis and her colleague, Denise Miller-Tshudy, from the PGCB. During that call, counsel explained the allegations of the above-captioned case and the documents being sought. Ms. DeBernardis and Ms. Miller-Tshudy explained that the documents Plaintiff's counsel requested in the PGCB November 18 Request were non-public and confidential under the Pennsylvania Race Horse Development and Gaming Act at 4 Pa.C.S. §1206(f).

27. **New Jersey Division of Gaming Enforcement.** On October 28, 2024, Plaintiff's counsel emailed a letter to the New Jersey Division of Gaming Enforcement (the "DGE") pursuant to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 *et seq.*, requesting "copies of documents regarding the DGE's investigation into the law first Calcagni & Kanefsky LLP's allegations that Evolution US LLC made its products available in countries subject to United States trade sanctions between November 24, 2021 through the present" (the "DGE October 28 Request"). Attached as Exhibit 26 is a true and correct copy of this email and the attached DGE October 28 Request.

28. On November 6, 2024, Plaintiff's counsel received a response from Jordan Hollander, a DGE Records Custodian, denying the DGE October 28 Request (the "November 6 Response"). Attached as Exhibit 27 is a true and correct copy of the November 6 Response.

29. On November 13, 2024, Plaintiff's counsel emailed Mr. Hollander to schedule a time to discuss the November 6 Response. Attached as Exhibit 28 is a true and correct copy of this email. On November 18, 2024, Plaintiff's counsel participated in a conference call with Mr. Hollander. During that call, counsel explained the allegations of the above-captioned case and the documents being sought. Mr. Hollander explained that the documents requested in the DGE October 28 Request were confidential pursuant to N.J.S.A. 5:12-74.1 and N.J.A.C. 13:69-4.2.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 13, 2025, at San Diego, California.

s/ DEBRA J. WYMAN
DEBRA J. WYMAN

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 13, 2025, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ DEBRA J. WYMAN

DEBRA J. WYMAN

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Mailing Information for a Case 2:24-cv-00326-MRP SKOLNICK v. EVOLUTION AB (publ) et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)